

Internal Revenue Service, Treasury

§ 1.679-0

§ 1.678(b)-1 If grantor is treated as the owner.

Section 678(a) does not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor of the trust is treated as the owner under sections 671 to 677, inclusive.

§ 1.678(c)-1 Trusts for support.

(a) Section 678(a) does not apply to a power which enables the holder, in the capacity of trustee or cotrustee, to apply the income of the trust to the support or maintenance of a person whom the holder is obligated to support, except to the extent the income is so applied. See paragraphs (a), (b), and (c) of § 1.677(b)-1 for applicable principles where any amount is applied for the support or maintenance of a person whom the holder is obligated to support.

(b) The general rule in section 678(a) (and not the exception in section 678(c)) is applicable in any case in which the holder of a power exercisable solely by himself is able, in any capacity other than that of trustee or cotrustee, to apply the income in discharge of his obligation of support or maintenance.

(c) Section 678(c) is concerned with the taxability of income subject to a power described in section 678(a). It has no application to the taxability of income which is either required to be applied pursuant to the terms of the trust instrument or is applied pursuant to a power which is not described in section 678(a), the taxability of such income being governed by other provisions of the Code. See § 1.662(a)-4.

§ 1.678(d)-1 Renunciation of power.

Section 678(a) does not apply to a power which has been renounced or disclaimed within a reasonable time after the holder of the power first became aware of its existence.

§ 1.679-0 Outline of major topics.

This section lists the major paragraphs contained in §§ 1.679-1 through 1.679-7 as follows:

§ 1.679-1 U.S. transferor treated as owner of foreign trust.

- (a) In general.

(b) Interaction with sections 673 through 678.

- (c) Definitions.
 - (1) U.S. transferor.
 - (2) U.S. person.
 - (3) Foreign trust.
 - (4) Property.
 - (5) Related person.
 - (6) Obligation.
- (d) Examples.

§ 1.679-2 Trusts treated as having a U.S. beneficiary.

- (a) Existence of U.S. beneficiary.
 - (1) In general.
 - (2) Benefit to a U.S. person
 - (i) In general.
 - (ii) Certain unexpected beneficiaries.
 - (iii) Examples.
 - (3) Changes in beneficiary's status.
 - (i) In general.
 - (ii) Examples.
 - (4) General rules.
 - (i) Records and documents.
 - (ii) Additional factors.
 - (iii) Examples.
 - (b) Indirect U.S. beneficiaries.
 - (1) Certain foreign entities.
 - (2) Other indirect beneficiaries.
 - (3) Examples.
 - (c) Treatment of U.S. transferor upon foreign trust's acquisition or loss of U.S. beneficiary.
 - (1) Trusts acquiring a U.S. beneficiary.
 - (2) Trusts ceasing to have a U.S. beneficiary.
 - (3) Examples.

§ 1.679-3 Transfers.

- (a) In general.
- (b) Transfers by certain trusts.
 - (1) In general.
 - (2) Example.
- (c) Indirect transfers.
 - (1) Principal purpose of tax avoidance.
 - (2) Principal purpose of tax avoidance deemed to exist.
 - (3) Effect of disregarding intermediary.
 - (i) In general.
 - (ii) Special rule.
 - (iii) Effect on intermediary.
 - (4) Related parties.
 - (5) Examples.
- (d) Constructive transfers.
 - (1) In general.
 - (2) Examples.
- (e) Guarantee of trust obligations.
 - (1) In general.
 - (2) Amount transferred.
 - (3) Principal repayments.
 - (4) Guarantee.
 - (5) Examples.
- (f) Transfers to entities owned by a foreign trust.
 - (1) General rule.